

Before Commissioners:

Robert G. Taub, Acting Chairman;
Tony Hammond, Vice Chairman;
Mark Acton;
Ruth Y. Goldway; and
Nanci E. Langley

North Platte Post Office
North Platte, Nebraska

Docket No. A2015-3

ORDER DENYING PETITIONER'S
MOTION FOR ENLARGEMENT OF TIME

(Issued May 29, 2015)

On April 20, 2015, the Commission docketed a petition for review of the closure of the North Platte, Nebraska main post office (North Platte) from Mayor Dwight Livingston (Petitioner).¹ In Order No. 2449, the Commission gave notice of the appeal, designated a Public Representative, and directed the Postal Service to file the Administrative Record or a responsive pleading.² On May 1, 2015, the Postal Service filed a motion to dismiss the proceedings concerning North Platte.³ The Public Representative filed an answer in support of the Motion.⁴ On May 8, 2015, Petitioner

¹ Petition for Review Received from Mayor Dwight Livingston Regarding the North Platte, NE Post Office 69101, April 20, 2015 (Petition). The Petition was in the form of a letter, postmarked April 10, 2015 (Petition at 1).

² Order No. 2449, Notice and Order Accepting Appeal and Establishing Procedural Schedule, April 21, 2015.

³ Motion of United States Postal Service to Dismiss Proceedings, May 1, 2015 (Motion to Dismiss).

⁴ Public Representative Response in Support of United States Postal Service Motion to Dismiss Proceedings, May 11, 2015.

filed a motion requesting an extension of time to respond to the Postal Service's Motion to Dismiss and to file PRC Form 61.⁵

Petitioner's Request. Petitioner's motion requests that the Commission extend the due date for responses to the Postal Service's Motion to Dismiss and Petitioner's Form 61 in support of the petition until ten days after the Postal Service files its Administrative Record. Petitioner Request at 1-2.

Commission analysis. The Postal Service's Motion to Dismiss is a responsive pleading to the Petition. The Petitioner may submit relevant information to respond to the Motion to Dismiss without the relief requested in the Petition. The information in an Administrative Record is not necessary to respond to the issue set forth by the Postal Service's Motion to Dismiss, namely whether the actions regarding North Platte retail services constitute a relocation under 39 C.F.R. § 241.4, or are a closing or consolidation, pursuant to 39 U.S.C. 404(d).⁶ The Commission will rule on the Motion to Dismiss and, if necessary as a result of that ruling, amend the procedural schedule.

Accordingly, Petitioner's Request is denied. Petitioner's response to the Postal Service's Motion to Dismiss is due June 8, 2015.

It is ordered:

1. Petitioner's Motion for Enlargement of Time to Respond to Motion to Dismiss and submit Form 61, filed May 8, 2015, is denied.

⁵ Motion for Enlargement of Time to Respond to Motion to Dismiss and to File Form 61, May 8, 2015 (Petitioner's Request).

⁶ See, e.g., Docket No. A2013-1, Order No. 1588, Order Granting Motion to Dismiss, December, 19, 2012, ruling the transfer of retail operations to a carrier annex less than one mile away from the main post office was a relocation of retail services, and 39 U.S.C. § 404(d) did not apply; Docket No. A2011-21, Order No. 804, Order Dismissing Appeal, August 15, 2011, ruling that transfer of retail operations to a carrier annex one mile away from the main post office was a relocation of retail services, and 39 U.S.C. § 404(d) did not apply; Docket No. A2006-1, Order No. 1480, Order Denying Postal Service Motion to Dismiss and Remanding for Further Consideration, September 29, 2006, ruling the Postal Service did not meet its obligation to consider the input from customers, consider the sufficiency of the services offered in the area, or adequately justify and communicate those findings to affected postal patrons.

2. Petitioner's response to the Postal Service's Motion to Dismiss is due June 8, 2015.

By the Commission.

Ruth Ann Abrams
Acting Secretary